

# Union Calendar No. 151

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 905

**[Report No. 111-270]**

To expand the boundaries of the Thunder Bay National Marine Sanctuary  
and Underwater Preserve, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Mr. STUPAK (for himself, Mr. McCOTTER, and Mr. KILDEE) introduced the  
following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 29, 2009

Additional sponsor: Mr. EHLERS

SEPTEMBER 29, 2009

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 4, 2009]

# **A BILL**

To expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       *This Act may be cited as the “Thunder Bay National*  
5       *Marine Sanctuary and Underwater Preserve Boundary*  
6       *Modification Act”.*

7       **SEC. 2. FINDINGS AND PURPOSES.**

8       (a) *FINDINGS.*—*Congress makes the following findings:*

9               (1) *Thunder Bay National Marine Sanctuary*  
10          *and Underwater Preserve in Lake Huron contains*  
11          *more than 100 recorded historic vessel losses.*

12              (2) *The areas immediately surrounding the*  
13          *Sanctuary, including the offshore waters of Presque*  
14          *Isle and Alcona Counties, Michigan, contain an equal*  
15          *number of historic vessel losses.*

16              (3) *Many of these shipwrecks and underwater*  
17          *cultural resources are popular recreational diving*  
18          *destinations, and all contribute to our collective mari-*  
19          *time heritage.*

20              (4) *These resources are susceptible to damage*  
21          *from human activities, and must be properly pre-*  
22          *served for themselves and to protect the economic via-*  
23          *bility of their contribution to national and regional*  
24          *economies.*

25       (b) *PURPOSES.*—*The purposes of this Act are—*

1           (1) *to expand the Thunder Bay National Marine*  
 2           *Sanctuary and Underwater Preserve boundaries to*  
 3           *encompass the offshore waters of Presque Isle and*  
 4           *Alcona Counties, Michigan and outward to the inter-*  
 5           *national border between the United States and Can-*  
 6           *ada; and*

7           (2) *to provide the underwater cultural resources*  
 8           *of those areas equal protection to that currently af-*  
 9           *forded to the Sanctuary.*

10 **SEC. 3. DEFINITIONS.**

11       *In this Act:*

12           (1) *SANCTUARY.*—*The term “Sanctuary” means*  
 13           *the Thunder Bay National Marine Sanctuary and*  
 14           *Underwater Preserve.*

15           (2) *SECRETARY.*—*The term “Secretary” means*  
 16           *the Secretary of Commerce.*

17 **SEC. 4. SANCTUARY BOUNDARY ADJUSTMENT.**

18       (a) *BOUNDARY ADJUSTMENT.*—*Notwithstanding any*  
 19       *provision of law or regulation, including section 922.190*  
 20       *of title 15, Code of Federal Regulations, as in effect on the*  
 21       *date of the enactment of this Act, the Sanctuary shall con-*  
 22       *sist of the geographic area described in subsection (b).*

23       (b) *EXPANDED BOUNDARY ADJUSTMENT.*—*The area*  
 24       *referred to in subsection (a) is all submerged lands, includ-*  
 25       *ing the underwater cultural resources, lakeward of the mean*

1 *high waterline, within the boundaries of a line formed by*  
2 *connecting points in succession beginning at a point along*  
3 *the mean high water line located approximately at*  
4 *45.6262N, 84.2043W at the intersection of the northern*  
5 *Presque Isle and northeastern Cheboygan County boundary,*  
6 *then north to a point approximately 45.7523N, 84.2011W,*  
7 *then northeast to a point approximately 45.7777N,*  
8 *84.1231W, then due east to the international boundary be-*  
9 *tween the United States and Canada approximately located*  
10 *at 45.7719N, 83.4840W then following the international*  
11 *boundary between the United States and Canada in a gen-*  
12 *erally southeasterly direction to a point approximately*  
13 *44.5128N, 83.3186W at the intersection of the southern*  
14 *Alcona County and northern Iosco County boundary, re-*  
15 *turning to the first point along the mean high water line.*

16 *(c) AUTHORITY TO MAKE MINOR ADJUSTMENTS.—The*  
17 *Secretary may make minor adjustments to the boundary*  
18 *described in subsection (b) to facilitate enforcement and*  
19 *clarify the boundary to the public provided the resulting*  
20 *boundary is consistent with the purposes described in sec-*  
21 *tion 2(b).*

22 *(d) INCLUSION IN THE SYSTEM.—The area described*  
23 *in subsection (b), as modified in accordance with subsection*  
24 *(c), shall be managed as part of the National Marine Sanc-*  
25 *tuary System established by section 301(c) of the National*

1 *Marine Sanctuaries Act (16 U.S.C. 1431(c)), in accordance*  
2 *with that Act.*

3 (e) *UPDATED NOAA CHARTS.*—*The Secretary shall—*

4 (1) *produce updated National Oceanic and At-*  
5 *mospheric Administration charts for the area in*  
6 *which the Sanctuary is located; and*

7 (2) *include on such charts the boundaries of the*  
8 *Sanctuary described in subsection (b), as modified in*  
9 *accordance with subsection (c).*

10 **SEC. 5. EXTENSION OF REGULATIONS AND MANAGEMENT.**

11 (a) *REGULATIONS.*—*The regulations applicable to the*  
12 *Sanctuary codified in subpart R of part 922 of title 15,*  
13 *Code of Federal Regulations, as in effect on the date of the*  
14 *enactment of this Act, shall apply to the geographic area*  
15 *added to the Sanctuary pursuant to section 4, unless the*  
16 *Secretary specifies otherwise by regulation.*

17 (b) *EXISTING CERTIFICATIONS.*—*The Secretary may*  
18 *certify that any license, permit, approval, other authoriza-*  
19 *tion, or right to conduct a prohibited activity made pursu-*  
20 *ant to section 922.194 of title 15, Code of Federal Regula-*  
21 *tions, that exists on the date of the enactment of this Act*  
22 *shall apply to such an activity conducted within the geo-*  
23 *graphic area added to the Sanctuary pursuant to section*  
24 *4.*

1       (c) *DATE OF SANCTUARY DESIGNATION.*—*For pur-*  
2 *poses of section 922.194 of title 15, Code of Federal Regula-*  
3 *tions, the date of the enactment of this Act shall be deemed*  
4 *to be the date of Sanctuary designation.*

5       (d) *MANAGEMENT PLAN.*—*To the extent practicable,*  
6 *the Secretary shall apply the management plan in effect*  
7 *for the Sanctuary on the date of the enactment of this Act*  
8 *to the geographic area added to the Sanctuary pursuant*  
9 *to section 4.*

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11<sup>TH</sup> CONGRESS  
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